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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-543**

13 **DONNA MARIE GLORIA, AKA**
14 **DONNA MARIE DONKEL**
15 **841 S. Centre Street**
16 **San Pedro, CA 90731**
17 **Registered Nurse License No. 682003**

ACCUSATION

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
22 Department of Consumer Affairs.

23 2. On or about June 29, 2006, the Board issued Registered Nurse License Number
24 682003 to Donna Marie Gloria, aka Donna Marie Donkel (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on January 31, 2012, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board under the authority of the following
laws. All section references are to the Business and Professions Code (Code) unless otherwise
indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct,

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof.

8 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
9 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
10 section, in which event the court order of commitment or confinement is prima facie evidence of
11 such commitment or confinement."

12 **COST RECOVERY PROVISION**

13 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Convictions of Substantially Related Crimes)**

19 10. Respondent is subject to disciplinary action under Code sections 490 and 2761,
20 subdivision (f), in that she was convicted of crimes substantially related to the qualifications,
21 functions, and duties of a registered nurse. The circumstances are as follows:

- 22 a. On or about August 8, 2008, in criminal proceeding entitled *People of the State of*
23 *California vs. Donna Marie Gloria* in the Los Angeles County Superior Court, Case
24 Number 8SY06744, Respondent was convicted on her plea of nolo contendere to one
25 count of violating Vehicle Code section 23152 (B) – driving with > 0.08% BAC - a
26 misdemeanor. Respondent was placed on summary probation for three years, ordered
27 to complete a first-offender alcohol and drug counseling program, and to abstain from
28 drinking and driving. The circumstances surrounding the conviction are that on or

1 about August 7, 2008, while operating her vehicle, Respondent was stopped by police
2 officers for driving unsafely. She admitted to the officers that she was drunk.

3 b. On or about November 24, 2009, in criminal proceeding entitled *People of the State of*
4 *California vs. Donna Marie Gloria* in the Los Angeles County Superior Court, Case
5 Number 8SY08071, Vehicle Code section 23152 (B) – driving with 0.22% BAC - a
6 misdemeanor. Respondent was placed on summary probation for three years, ordered
7 to serve 4 days in jail, and complete an 18-month second-offender alcohol and drug
8 counseling program. The circumstances surrounding the conviction are that on or about
9 September 17, 2008, police officers observed Respondent to have parked her car in a
10 main lane of traffic and passed out behind the wheels with her engine running.
11 Respondent admitted to the officers that she was drunk.

12 c. On or about February 3, 2010, in criminal proceeding entitled *People of the State of*
13 *California vs. Donna Marie Gloria* in the Los Angeles County Superior Court, Case
14 Number 8SY09043, Respondent was convicted on her plea of nolo contendere to one
15 count of violating Vehicle Code section 23152 (A) – driving under the influence - a
16 misdemeanor. Respondent was placed on summary probation for three years, ordered
17 to serve 120 days in jail, and complete a second-offender alcohol and drug counseling
18 program. The circumstances surrounding the conviction are that on or about October
19 18, 2008, Respondent was arrested for hit-and-run and refused to perform field sobriety
20 tests.

21 SECOND CAUSE FOR DISCIPLINE

22 (Dangerous Use of Alcohol)

23 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
24 as defined under Code section 2762, subdivision (b), in that she used alcoholic beverages to an
25 extent or in a manner dangerous or injurious to herself, any other person, or the public or to the
26 extent that such use impairs her ability to conduct with safety to the public the practice authorized
27 by her license. Complainant refers to and incorporates all the allegations contained in paragraph
28 10 above, as though set forth fully.

1 THIRD CAUSE FOR DISCIPLINE

2 (Convictions Involving Alcohol)

3 12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
4 as defined under Code section 2762, subdivision (c), in that she was convicted of criminal
5 offenses involving the consumption of alcoholic beverages. Complainant refers to and
6 incorporates all the allegations contained in paragraph 10 above, as though set forth fully.

7 FOURTH CAUSE FOR DISCIPLINE

8 (Confinement for Intemperate Use of Alcohol)

9 13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
10 as defined under Code section 2762, subdivision (d), in that she was confined by the criminal
11 court for the intemperate use of alcoholic beverages. Complainant refers to and incorporates all
12 the allegations contained in paragraph 10 above, as though set forth fully.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 682003, issued to Donna
17 Marie Gloria, aka Donna Marie Donkel.

18 2. Ordering Donna Marie Gloria, aka Donna Marie Donkel to pay the Board of
19 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
20 pursuant to Business and Professions Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 4/23/10

23 *Louise R. Bailey*
24 LOUISE R. BAILEY, M.ED., RN
25 Interim Executive Officer
26 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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